IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 578 of 2007()

AGAINST THE ORDER DATED 31/03/2005 IN
CC.195/2002 of C.J.M.,TRIVANDRUM

.....

: PETITIONER/ACCUSED.

TONY SIMON, S/O. SIMON,
T.C.32/432, TERRY VILLA, KARIKKAKOM MURI,
KADAKAMPALLY VILLAGE.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: COMPLAINANT.

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1. STATE OF KERALA-REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
VALIATHURA POLICE STATION, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 578 OF 2007

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DATED THIS THE 2ND DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 3rd accused in Crime No.170/01 of Valiyathura Police Station for offences punishable under sections 323, 324 and 326 read with section 34 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.195/02 on the file of the Court of the C.J.M., Thiruvananthapuram the case against him was split up and transferred to the long pending register where it has been registered as L.P.No.48/05. After the disposal of C.C.No.195/02, the case against the petitioner has been refiled as C.C.No.88/05.

3. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. The petitioner has a contention that the co-accused in the case has been acquitted after trial. If the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on

which it is filed after examining the explanation offered by the petitioner for his previous non-appearance and also after considering the contention of the petitioner that the co-accused in the case has been acquitted after trial.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn